

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #14	CCRB Case #: 201801023	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/05/2018 3:00 AM, Tuesday, 02/06/2018	Location of Incident: East 53rd Street and 5th Avenue	Precinct: 18	18 Mo. SOL 8/5/2019	EO SOL 8/5/2019	
Date/Time CV Reported Tue, 02/06/2018 7:03 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 02/06/2018 7:03 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jerry Charles	04030	948470	HOMLESS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM William Biederman	02165	923690	HOMLESS

Officer(s)	Allegation	Investigator Recommendation
A.POM Jerry Charles	Discourtesy: Police Officer Jerry Charles acted discourteously toward § 87(2)(b)	

Case Summary

On February 6, 2018, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On February 5, 2018, at approximately 3:00 a.m., § 87(2)(b) who is homeless, was asleep inside of boxes at the intersection of East 53rd Street and 5th Avenue in Manhattan. PO Jerry Charles and PO William Biederman, both of Homeless Outreach, approached and PO Charles allegedly kicked § 87(2)(b)'s boxes (**Allegation A: Discourtesy**, § 87(2)(g)). No arrest or summons resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Discourtesy: Police Officer Jerry Charles acted discourteously toward § 87(2)(b)

§ 87(2)(b) (Board Review 01) testified that she was asleep inside of two boxes, one covering her upper body and one covering her lower body, with a small opening of a few inches between them. § 87(2)(b) stated that PO Charles approached her alone, though the investigation determined that PO Charles was with PO Biederman. PO Charles allegedly kicked § 87(2)(b)'s boxes once, forcefully enough to wake her up, though her box did not fall down or sustain any damage. PO Charles said § 87(2)(b) could not sleep in a box. A verbal exchange occurred, though § 87(2)(b) could not recall the details of this.

PO Charles (Board Review 02) testified that he spoke with § 87(2)(b) while conducting an inspection for homeless civilians in need of services at the intersection of East 53rd Street and 5th Avenue. PO Charles approached § 87(2)(b) provided his name, and asked if she needed any homeless services. PO Charles could not recall how § 87(2)(b) responded, aside from that she refused the services. PO Charles denied kicking or otherwise touching § 87(2)(b)'s boxes.

PO Biederman (Board Review 03) testified that he and PO Charles approached § 87(2)(b) who was initially concealed inside of two boxes. PO Biederman and PO Charles both verbally introduced themselves as police officers from Homeless Outreach. There was no response. PO Biederman tapped one end of the boxes with his hand and PO Charles lightly tapped the other end of the boxes twice with his foot. PO Biederman described PO Charles' action as a light tap. § 87(2)(b) sat up and said she did not need any services or shelter. PO Biederman and PO Charles left the location.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one other CCRB complaint and has been named as a victim in one allegation (Board Review 04):
 - § 87(2)(b)
- PO Charles has been a member-of-service-for eight years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of June 20, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 05).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: #14

Investigator: _____ _____ _____
 Signature Print Title & Name Date

Squad Leader: _____ _____ _____
 Signature Print Title & Name Date

Reviewer: _____ _____ _____
 Signature Print Title & Name Date